

**TITLE 450: DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE
SERVICES**

**CHAPTER 21: ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES
(ADSAC) AND ASSESSMENTS**

**SUBCHAPTER 1. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE
ABUSE COURSES (ADSAC), ORGANIZATIONS AND INSTRUCTORS**

450:21-1-2. Statutory authority

(a) Under 43A O.S. § 3-453(E), ODMHSAS has authority to certify Alcohol and Drug Substance Abuse Courses. ~~Pursuant to 47 O. S. § 6-212.2, persons convicted of driving under the influence of alcohol or other intoxicating substances or receiving an alcohol or other drug related revocation or suspension of driving privileges must complete an Alcohol and Drug Substance Abuse Course as a requirement for reinstatement of Oklahoma driving privileges.~~

(b) Pursuant to 43A O. S. §§ 3-453, ODMHSAS is authorized to adopt rules governing:

- (1) Applications and certification of individuals, institutions and organizations to conduct an Alcohol or Drug Substance Abuse Course (ADSAC);
- (2) Denial, suspension or revocation of certification of individuals, institutions and organizations;
- (3) Minimum requirements for all ADSAC content and curricula;
- (4) Minimum qualifications for all ADSAC facilitators;
- (5) Enrollment fees for those attending an ADSAC course;
- (6) Facilities, equipment and instructional materials for ADSAC;
- (7) Minimum qualifications for facilitators of ADSAC facilitator training;
- (8) ADSAC participant attendance requirements;
- (9) Requirements for certifying to the Oklahoma Department of Mental Health and Substance Abuse Services and the Oklahoma Department of Public Safety successful course completion of ADSAC by a participant;
- (10) Operational and physical site requirements for all institutions and organizations offering ADSAC courses; and
- (11) Training requirements for ADSAC facilitators.

(c) Pursuant to 43A O. S. §§ 3-461, ODMHSAS is authorized to adopt rules governing:

- (1) Certification of individuals approved to provide assessment services;
- (2) Assessment standards;
- (3) Assessment responsibilities and activities of certified assessors; and
- (4) Requirements for reporting completed assessments to ODMHSAS.

450:21-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Abuse" means the causing or permitting of harm or threatened harm to the health, safety, or welfare of a participant by staff responsible for the participant's health, safety, or welfare, including, but not limited to:

- (A) non-accidental physical injury or mental anguish;
- (B) sexual abuse;
- (C) sexual exploitation;
- (D) use of mechanical restraints without proper authority;
- (E) the intentional use of excessive or unauthorized force aimed at hurting or injuring the participant; or
- (F) deprivation of food, clothing, shelter, or healthcare by staff responsible for providing these services to a participant.

"Action Code" means a numerical designation applied to ADSAC by the Oklahoma Department of Public Safety, and which will be provided by ODMHSAS to organizations and institutions conducting ADSAC, for use in completing the written verification of an individual's completion of an ADSAC.

"Administrator" means the person responsible for administering ADSAC courses within a certified institution or organization.

"ADSAC" means Alcohol and Drug Substance Abuse Course.

"ADSAC Facilitator" means an individual certified to teach both the ten (10) or the twenty-four (24) hour ADSAC courses.

"ASAM" means the American Society of Addiction Medicine.

"ASAM levels of care" means the different options for treatment as described in the current edition of the ASAM criteria that vary according to the intensity of the services offered. Each treatment option is a level of care.

"Assessment" means a face-to-face clinical interview evaluating an individual's need and receptivity to substance abuse treatment and his or her prognosis.

"Assessor" means an individual certified to conduct alcohol and other drug assessments related to driver's license revocations.

"Audit" means a systematic inspection of accounting records involving analyses, tests, and confirmations or the hearing or investigation by an auditor.

"Biopsychsocial Assessment" means a face-to-face clinical interview conducted by an ADSAC assessor designed to elicit historical and current information regarding the behavior and experiences of a participant, and is designed to provide sufficient information for problem formulation, intervention planning, and formulation of appropriate substance abuse-related clinical and/or educational interventions to reduce or eliminate recidivism.

"Certification" means an institution, organization, or individual approved by ODMHSAS to conduct ADSAC courses.

"Certified Alcohol and Drug Counselor" or "CADC" means any person who is certified through the State of Oklahoma pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

"Commissioner" means the Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services.

"Conflict of interest" means a conflict between the private interests and public obligations of a certified organization, institution, or certified ADSAC Facilitator.

"Consumer" means an individual who has applied for, is receiving or has received evaluation or treatment services from a facility operated or certified by

ODMHSAS or with which ODMHSAS contracts and includes all persons referred to in OAC Title 450 as client(s) or patient(s) or resident(s) or a combination thereof.

"Course" means multiple classes offering an approved ADSAC curriculum.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of an approved institution or organization approved to do ADSAC, or the routine work with a participant in an ADSAC course. Critical incidents specifically include, but are not limited to: self-destructive behavior; deaths and injuries to the participant, participant's family, staff or visitors; abuse of a participant, fire, unauthorized disclosure of information; damage to or theft of property belonging to a participant or an approved institution or organization; other unexpected occurrences; or events subject to litigation. A critical incident may involve multiple individuals or results.

"Curricula" (plural of Curriculum) See Curriculum.

"Curriculum" means a specific course of study in alcohol and drug substance abuse designed for ADSAC.

"Defendant Questionnaire" or **"DQ"** means an automated assessment or screening instrument used in assessing an offender with alcohol or other drug involvement. This instrument contains scales to measure truthfulness, stress coping ability, and severity of the alcohol or other drug use disorder diagnosis using the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) criteria.

"Denial" means a refusal to certify to conduct ADSAC courses.

"DOC" means the Oklahoma Department of Corrections.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards.

"DPS" means Department of Public Safety.

"Driver Risk Inventory" or **"DRI"** means an assessment or screening instrument, which contains six scales measuring truthfulness, alcohol, drug, driver risk, stress management, and severity of alcohol or other drug abuse and classifies a participant as being either a substance abuser or substance dependent in compliance with current Diagnostic and Statistical Manual criteria.

"Equipment" means hardware, such as audio visual equipment, used as a tool to present material in an ADSAC course.

"Evidence based practice" means programs or practices that are proven to be successful through research methodology and have produced consistently positive patterns of results.

"Facilitator candidate" means an individual who has applied for and is in the process of being certified to conduct an ADSAC course as an ADSAC facilitator.

"Facility" means any ODMHSAS approved building in which ADSAC is conducted.

"Group counseling" means a method of using various commonly accepted treatment approaches provided face-to-face by a treatment professional with two (2) or more participants that does not consist of solely related individuals, to promote positive emotional or behavioral change. Services rendered in this setting should be guided by the participant's treatment goals and objectives, and does not

include social or daily living skill development as described in educational group counseling.

"Independent practitioner" means any professional, appropriately licensed or certified as an alcohol and drug counselor through the State of Oklahoma, pursuant to state law, and certified by ODMHSAS to conduct ADSAC assessments who does so through the format of a private practice.

"Individual counseling" means a method of using various commonly accepted treatment approaches provided face-to-face by a treatment professional with one participant to promote positive emotional or behavioral change.

"Instructional material" means written or printed data distributed to the participant during an ADSAC course for informational or educational purposes.

"Intensive outpatient services" or **"IOP"** means an organized, non-residential outpatient treatment service with scheduled sessions that provide a range of nine (9) to fifteen (15) treatment hours per week. Intensive outpatient services may offer evening outpatient services several nights per week or be incorporated into an inpatient or residential treatment program in which the individual participates in daytime treatment services but goes home at night. Intensive Outpatient shall correspond to ASAM Patient Placement Criteria Treatment Level: Level II.1, Intensive outpatient.

"Intern facilitator" means a facilitator who has initial approval to conduct ADSAC courses under supervision, both ten (10) and twenty-four (24) hour, but who has not completed internship or training requirements, and is not certified.

"Lapse" means the expiration of an otherwise valid ADSAC certification due to the failure to timely complete and submit the required application for recertification.

"Licensed Alcohol and Drug Counselor" or **"LADC"** means any person who is licensed through the State of Oklahoma pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

"Licensed Behavioral Health Professional" or **"LBHP"** means:

- (A) An Allopathic or Osteopathic Physician with a current license and board certification in psychiatry or board eligible in the state in which services are provided, or a current resident in psychiatry;
- (B) An Advanced Practice Registered Nurse licensed as a registered nurse with a current certification of recognition from the board of nursing in the state in which services are provided and certified in a psychiatric mental health specialty;
- (C) A Clinical Psychologist who is duly licensed to practice by the State Board of Examiners of Psychologists;
- (D) A Physician Assistant who is licensed in good standing in Oklahoma and has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or counseling functions;
- (E) A practitioner with a license to practice in the state in which services are provided issued by one of the following licensing boards:
 - (i) Social Work (clinical specialty only);
 - (ii) Professional Counselor;
 - (iii) Marriage and Family Therapist;

- (iv) Behavioral Practitioner; or
- (v) Alcohol and Drug Counselor.

"Licensure Candidate" means ~~practitioners~~ a practitioner actively and regularly receiving board approved supervision, and extended supervision by a fully licensed clinical if board's supervision requirement is met but the individual is not yet licensed, to become licensed by one of the following licensing boards:

- (A) Psychology;
- (B) Social Work (clinical specialty only);
- (C) Professional Counselor;
- (D) Marriage and Family Therapist;
- (E) Behavioral Practitioner;
- (F) Alcohol and Drug Counselor.

"Mutual support group" means a non-professional, widely available, peer directed, system of support meetings, available at little or no charge to the participant, in a group format, dedicated to the support and teaching of the skills related to an alcohol and other drug free lifestyle.

"Needs assessment" or **"NEEDS"** means a one hundred and thirty (130) item comprehensive adult assessment instrument addressing attitude, emotional stability, employment, health, education, substance abuse, relationships, support systems, criminal history and supervision needs.

"Notes" means a complete, chronological written description of any intervention(s) provided to a participant requiring documentation. Notes may include the participant's response and are written by the ADSAC staff delivering the service.

"ODMHSAS" means the Oklahoma Department of Mental Health and Substance Abuse Services.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"OSBI" means the Oklahoma State Bureau of Investigation.

"Participant" means a person convicted of driving under the influence of alcohol or other intoxicating substances or who has received an alcohol or drug-related revocation or suspension of driving privileges in Oklahoma and who is involved in the ADSAC process.

"Professional setting" means a facility that is adequate and suitable for the purpose of providing adult education or assessment services, meeting all confidentiality requirements of 42 CFR, Part 2 and HIPAA, and without distraction or interruption from adjacent business or activities.

"Program" means a structured set of treatment activities designed to achieve specific objectives relative to the needs of individuals served by the facility and certified or recognized by ODMHSAS.

"Recertification" means the renewal of certification for an institution, or organization, or instructor to provide ADSAC courses.

"Residential treatment" means treatment for a participant in a live-in setting which provides a twenty-four (24) hour therapeutic regimen. Corresponding ASAM

Patient Placement Criteria Treatment Level: Level III. 5, Clinically managed High-Intensity Residential Services.

"Revocation" means cancellation of an existing certification to conduct or instruct ADSAC courses.

"Sentinel event" is a type of critical incident that is an unexpected occurrence involving the death or serious physical or psychological injury to a participant, staff member, or visitor, or risk thereof. Serious injury specifically includes loss of limb or limb function. The phrase "or risk thereof" includes a variation in approved processes which could carry a significant chance of a serious adverse outcome to a participant. These events signal the need for immediate investigation and response. Sentinel events include, but are not limited to: suicide, homicide, criminal activity, assault and other forms of violence, including domestic violence or sexual assault, and adverse drug events resulting in serious injury or death. Sentinel events include occurrences that take place at the facility and/or during the delivery of services, as well as suicide and unintentional drug overdose deaths that occur at any time while an outpatient consumer is an active consumer and within seventy-two (72) hours of discharge from inpatient and residential settings, including sites certified under Chapter 23 of this Title.

"Suspend" means to temporarily cancel certified ADSAC services or certification for a designated period of time.

"TAAD" or "Triage Assessment for Addictive Disorders" means a very brief, structured interview covering current alcohol and drug problems related to DSM-IV criteria for substance abuse and dependency. The TAAD is intended to be presented as an interview and not as a paper and pencil instrument.

"Transtheoretical Model of Change" or "TMC" means a model which identifies distinct stages of change existing for each individual involved in any educational or therapeutic process and enhances the ability to accurately assess the individual's readiness for clinical or educational engagement at the time of an assessment. This is also referred to as the "Stages of Change" model.

"Victims Impact Panel" or "VIP" means the two (2) hour presentation, identified statutorily, intended to enhance awareness of the participant regarding possible impact on others by the individual driving while impaired.

450:21-1-7.4. Critical incidents

(a) All facilities and programs shall have written policies and procedures requiring documentation and reporting of critical incidents and analysis of the contributors to the incident to ODMHSAS in accordance with this Section.

(a)(b) The institution, organization, facilitator or assessor shall report critical incidents. Documentation of critical incidents shall minimally include:

- (1) The facility name and the name and signature of the person(s) reporting the incident;
- (2) The name(s) of the participant(s), staff member(s) or property involved;
- (3) The time, date and physical location of the incident;
- (4) The time and date the incident was reported and the name of the staff person within the facility to whom it was reported;
- (5) A description of the incident;

- (6) Resolution or action taken, ~~date action was taken, and signature of appropriate staff member(s) and date resolution or action was taken;~~ and
- (7) Severity of each injury, if applicable. Severity shall be indicated as follows:
 - (A) No off-site medical care required or first aid care administered on-site;
 - (B) Medical care by a physician or nurse or follow-up attention required; or
 - (C) Hospitalization or immediate off-site medical attention was required.
- ~~(b)~~(c) Critical incidents shall be reported to ODMHSAS as follows:
 - (1) Critical incidents requiring referral to medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered to ODMHSAS via fax or mail to ODMHSAS designated electronic system within ~~twenty-four (24)~~seventy-two (72) hours of the incident ~~being documented~~;
 - (2) Critical incidents involving allegations constituting a sentinel event or consumer abuse shall be reported to ODMHSAS immediately via telephone or fax, but within not more than twenty-four (24) hours ~~after of~~ the incident. If reported by telephone, the report shall be followed with a written report within twenty-four (24) hours ~~after of~~ the incident.
- ~~(c) Critical incidents shall be reported to the Provider Certification Division of ODMHSAS.~~

450:21-1-7.6. Participant records, basic requirements

- (a) Participant records shall be developed and maintained to ensure that all appropriate individuals have access to relevant course and other information regarding the participant. The record shall communicate information in a manner that is organized, clear, complete, current and legible.
- (b) Entries in participant records shall be legible, signed with first name or initial, last name, and dated by the person making the entry.
- (c) The participant shall be identified by name or unique identifier on each sheet in ~~the participant record~~participant records not in electronic format.
- (d) A signed consent ~~in a form designated by the Commissioner or designee for treatment~~ shall be part of the case record for any person admitted to an ADSAC course or administered an ADSAC assessment.
- (e) A signed consent for release of information in accordance with federal and state laws, guidelines, and standards, including OAC 450:15-3-20.1 and OAC 450:15-3-20.2 shall be a part of the participant's case record. For disclosure of information related to substance use disorder referral, payment, and follow up, a signed consent is required.

450:21-1-7.7. Participant record storage, retention and disposition

- ~~(a)~~—Each institution, organization, facilitator or assessor shall:
 - (1) Limit access to participant records to persons on a need to know basis;
 - (2) Require participant records be stored under lock and key;
 - (3) With regard to closed participant records, require:
 - (A) Confidential storage under lock and key;
 - (B) Record disposition and destruction under confidential conditions; and

(C) Maintain written documentation to be available for participants for a minimum of six (6) years after completion of all course requirements. Written documentation shall include, but not be limited to:

- (i) ~~completed pre and post tests~~ Completed pre- and post-tests;
- (ii) ~~notes~~ Notes, if existing;
- (iii) ~~proof~~ Proof of completion of course; and
- (iv) ~~enrollment~~ Enrollment form.

~~(b) EXCEPTION: With regard to 450:18-7-4(a) (3) (B), facilities operated by ODMHSAS shall comply with the provisions of the Records Disposition Schedule for said facility as approved by the Oklahoma Archives and Records Commission [67 O.S. § 305 and OAC 60:1-1-2].~~

SUBCHAPTER 4. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES (ADSAC), ORGANIZATIONS AND INSTRUCTORS

450:21-4-2. Applications for institutions and organizations

(a) Applications for certification of institutions, and organizations ~~or facilitators~~ to conduct ADSAC courses shall be made to ODMHSAS in writing on a form and in a manner prescribed by the Commissioner of ODMHSAS or designee.

(b) ODMHSAS shall give each institution, and organization ~~and facilitator candidate~~ requesting certification to conduct ADSAC courses the following:

- (1) A copy of §§ 3-451 through 3-453 of Title 43A of the Oklahoma Statutes;
- (2) A copy of these standards and criteria; and
- (3) The appropriate application(s).

(c) An institution or organization applying for certification to conduct ADSAC shall provide to ODMHSAS for consideration:

- (1) Completed application;
- (2) Film approval form(s) for the ten (10) and twenty-four (24) hour ADSAC;
- (3) Instructional materials for the ten (10) and twenty-four (24) hour ADSAC;
- (4) Written verification the applicant is a nonprofit educational institution of higher learning appropriately accredited pursuant to state law, a governmental entity or a nonprofit corporation. If a non-profit corporation, verification shall be a copy of the U.S. Internal Revenue Service Documents granting the corporation 501(c)(3) status;
- (5) Completed certification applications and resumes of proposed facilitators;
- (6) The physical address (street, building name and suite [if applicable], city and zip code) and description of all sites at which the ADSAC course(s) will be conducted; and
- (7) Letters of support from at least two (2) of the following individuals who serve in the community in which each proposed site, including satellites, is located:
 - (A) District or Associate District Judge;
 - (B) County Sheriff;
 - (C) Municipal Judge;
 - (D) District or Assistant District Attorney; or
 - (E) Chief of Police.

(d) If the applicant is a non-profit corporation, the applicant shall submit evidence it was constituted, and is operated, to provide substance abuse, mental health or educational services as its primary services and that the corporation is operated from a professional administrative office, which is open and operated during normal business hours.

(e) Requests from a certified ADSAC provider for additional or replacement course sites shall be submitted to the ODMHSAS and shall meet all requirements for initial applications, except the institution or organization need not submit items previously submitted that are currently applicable to the new site(s) and expressly stated as such in the application for new course site(s).

(f) Renewal of certification of ADSAC institutions or organizations shall be contingent upon submission of renewal application and programmatic history of compliance with Oklahoma Administrative Code, Title 450. The application for renewal shall include all items required for initial certification as well as any unpaid fees required by 450:21-4-1(g). Applications with outstanding unpaid fees will not be processed until a resolution is reached regarding payment of outstanding fees.

(g) In addition to submitting an application and fulfilling the renewal standards for certification per 21-4-2(f), a review of consumer and ~~organization~~organizational documentation shall be performed for institutions and organizations. ~~A score of at least 75% on clinical standards must be achieved in order to move forward with certification.~~ The process will follow that of agency certifications found in 450:1-9-7.2. ~~All deficiencies must be resolved in order for certification to be renewed.~~ Institutions and organizations must achieve the following:

(1) Demonstrate compliance with a minimum of ninety percent (90%) of all Critical Standards as identified in the ODMHSAS Provider Certification Manual on the initial site review, file an acceptable plan of correction in the required timeframe addressing standards for which compliance was not achieved on the initial site review, and demonstrate compliance with one hundred percent (100%) of all Critical Standards after the initial site review.

(2) Demonstrate compliance with a minimum of seventy-five percent (75%) of all Necessary Standards as identified in the ODMHSAS Provider Certification Manual on the initial site review and file an acceptable plan of correction in the required timeframe addressing standards for which compliance was not achieved on the initial site review. ODMHSAS may verify compliance with standards identified in the plan of correction at its discretion

~~(h) An applicant for initial certification as a facilitator to conduct ADSAC courses shall provide to ODMHSAS for consideration:-~~

~~(1) A letter of recommendation from an administrator of a certified institution or organization;-~~

~~(2) A current resume, which shall include:-~~

~~(A) Educational background including an official college transcript from an accredited college or university; and~~

~~(B) Employment history covering the previous ten (10) years to include name, complete address and telephone number of employer(s).-~~

~~(3) A completed application.-~~

~~(4) A one hundred dollar (\$100.00) application fee for initial certification; and-~~

~~(5) Upon initial application, a completed Oklahoma State Bureau of Investigation background check or a similar background check from any other state(s) of residence for the past five (5) years;~~

~~(6) A current, recognizable, color, photographic image, in good condition, in digital format or no smaller than two (2) inch by two (2) inches if printed, of the applicant every three (3) years with the certification renewal; and~~

~~(7) A new OSBI background check every three (3) years with the certification renewal application. The results of the OSBI background check must be submitted with the recertification application and any conviction may result in denial of certification.~~

~~(j)(h)~~ ODMHSAS shall consider each applicant for certification in accordance with these rules. The Commissioner of ODMHSAS or designee shall notify each applicant in writing of an approval or denial of certification. Certification shall be effective for three (3) years commencing with the date of issue.

~~(j)(i)~~ Faxes will not be accepted as permanent copies for an applicant's record.

~~(k)(j)~~ Applications are good for one (1) year from approval. All requirements must be completed within the initial twelve (12) month period or a new application must be submitted.

~~(l)(k)~~ Completed applications must be received by ODMHSAS twenty (20) days prior to the new facilitator training event.

~~(m) A facilitator whose certification has been expired for less than twelve (12) months must make application for an initial certification as set forth in 450:21-4-7. If approved by the Department, such a facilitator will not be required to attend the initial ADSAC facilitator training or successfully complete the training exam.~~

~~(n) A facilitator whose certification has been expired for more than twelve (12) months must make application for an initial certification as set forth in 450:21-4-7, including attending the initial ADSAC facilitator training, and successful completion of the training exam.~~

~~(o) Each facilitator shall notify ODMHSAS of any change of application information related to his or her email address, phone number, work or home address at least fifteen (15) days in advance of the change. In case of an emergency, the facilitator may notify ODMHSAS of any change up to thirty (30) days after a change has occurred.~~

450:21-4-2.1. Applications for facilitators

(a) Applications for certification of facilitators to conduct ADSAC courses shall be made to ODMHSAS in writing on a form and in a manner prescribed by the Commissioner of ODMHSAS or designee.

(b) ODMHSAS shall give each facilitator candidate requesting certification to conduct ADSAC courses the following:

(1) A copy of §§ 3-451 through 3-453 of Title 43A of the Oklahoma Statutes;

(2) A copy of these standards and criteria; and

(3) The appropriate application(s).

(c) An applicant for initial certification as a facilitator to conduct ADSAC courses shall provide to ODMHSAS for consideration:

- (1) A letter of recommendation from an administrator of a certified institution or organization;
- (2) A current resume, which shall include:
 - (A) Educational background including an official college transcript from an accredited college or university; and
 - (B) Employment history covering the previous ten (10) years to include name, complete address and telephone number of employer(s).
- (3) A completed application.
- (4) A one hundred dollar (\$100.00) application fee for initial certification; and
- (5) Upon initial application, a completed Oklahoma State Bureau of Investigation background check or a similar background check from any other state(s) of residence for the past five (5) years;
- (6) A current, recognizable, color, photographic image, in good condition, in digital format or no smaller than two (2) inch by two (2) inches if printed, of the applicant every three (3) years with the certification renewal; and
- (7) A new OSBI background check every three (3) years with the certification renewal application. The results of the OSBI background check must be submitted with the recertification application and any conviction may result in denial of certification.
- (d) ODMHSAS shall consider each applicant for certification in accordance with these rules. The Commissioner of ODMHSAS or designee shall notify each applicant in writing of an approval or denial of certification. Certification shall be effective for three (3) years commencing with the date of issue.
- (e) Faxes will not be accepted as permanent copies for an applicant's record.
- (f) Applications are good for one (1) year from approval. All requirements must be completed within the initial twelve (12) month period or a new application must be submitted.
- (g) Completed applications must be received by ODMHSAS twenty (20) days prior to the new facilitator training event.
- (h) A facilitator whose certification has been expired for less than twelve (12) months must make application for an initial certification as set forth in 450:21-4-7. If approved by the Department, such a facilitator will not be required to attend the initial ADSAC facilitator training or successfully complete the training exam.
- (i) A facilitator whose certification has been expired for more than twelve (12) months must make application for an initial certification as set forth in 450:21-4-7, including attending the initial ADSAC facilitator training, and successful completion of the training exam.
- (j) Each facilitator shall notify ODMHSAS of any change of application information related to his or her email address, phone number, work or home address at least fifteen (15) days in advance of the change. In case of an emergency, the facilitator may notify ODMHSAS of any change up to thirty (30) days after a change has occurred.

450:21-4-7. ADSAC facilitator certification, qualification and disqualification

- (a) Minimum qualifications for certification of ADSAC facilitators are as follows:

- (1) Possess a bachelor's degree in behavioral or healthcare sciences education, psychology, social work or chemical dependency with at least two
- (2) years verifiable full-time equivalent experience in the substance abuse treatment field. This work experience can be in the areas of clinical, prevention or direct care. Proof of current licensure as LADC or certification as CADC will fulfill the experience requirement;
- (2) A valid driver's license or state identification card;
- (3) Completion of the following in the order listed below:
 - (A) Observe one (1) complete twenty-four (24) hour ADSAC course in sequential order, conducted by a certified facilitator. This observation must be completed and verified to ODMHSAS prior to attending facilitator training;
 - (B) Attend the new facilitator training and pass the ODMHSAS Certification Examination for ADSAC Facilitator:
 - (i) A minimal score to pass the exam shall be eighty (80) percent;
 - (ii) The exam shall require the participant to correctly identify the major components of the transtheoretical model of change;
 - (iii) The exam shall require the participant to correctly identify the major components of the interactive journaling process; and
 - (iv) The exam shall require the participant to correctly identify rules from this Chapter.
 - (C) Conduct one complete twenty-four (24) hour ADSAC under the supervision of a certified ADSAC facilitator or an ODMHSAS representative.
- (4) The facilitator candidate shall be allowed nine (9) months to complete training requirements and one (1) year from application to complete all other requirements. Failure to meet all requirements within the specified timeframes will result in denial of certification. To be reconsidered, the candidate will be required to re-apply to ODMHSAS.
- (5) Renewal of certification as an ADSAC facilitator shall be dependent upon acceptance of a completed renewal application submitted to ODMHSAS, remission of a fifty dollar (\$50.00) application fee for renewal of certification, and the accomplishment of minimum standards. These standards are:
 - (A) Each facilitator shall conduct at least six (6) complete ten (10) or twenty-four (24) hour courses during each certification period beginning with the date of initial certification:
 - (i) To be eligible for recertification as an ADSAC facilitator capable of conducting both ten (10) and twenty-four (24) hour ADSAC courses, verification of having conducted at least two (2) twenty-four (24) ADSAC courses in the last three years prior to the request for recertification; and
 - (ii) Submission of proof of having conducted less than two (2) twenty-four (24) hour ADSAC courses in the three (3) years prior to the request for recertification, shall result in the facilitator being required to attend a one (1) day training event addressing skills consistent with twenty-four (24) hour course facilitation.

- (B) In order for the certification to remain active, Documentation documentation must be submitted annually throughout the certification period, in a form and manner prescribed by ODMHSAS, demonstrating completion of receiving twelve (12) continuing education hours each twelve (12) month period beginning with the date of initial certification. These hours shall be from each of the following areas, with four (4) hours coming from area (i), four (4) hours coming from area (ii) and four (4) hours coming from area (iii):
- (i) Adult education;
 - (ii) Facilitation skills; and
 - (iii) General substance abuse training; and Substance use disorder prevention or treatment, suicide prevention, and/or crisis intervention.
 - ~~(iv) Hours for any mandatory trainings required by ODMHSAS may come from area (iii) above.~~
- (6) All renewals of certification are due on the third anniversary of certification. After July 1, 2008 all certification renewals may come due on January 1 of the renewal year. If a universal certification date is adopted, then, requirements for certification renewals will be accepted on a prorated basis during the transition period.
- (b) An applicant may not be certified nor certification as an ADSAC facilitator renewed under any of the following conditions:
- (1) A non-pardoned felony conviction within the last five (5) years;
 - (2) Conviction of driving under the influence of alcohol or other intoxicating substances or receiving an alcohol or drug related revocation or suspension of driving privileges for five (5) years prior to the application for certification; or,
 - (3) Having involvement in any business or endeavor which is a conflict of interest. ODMHSAS may on its own initiative, or upon complaint, investigate potential or alleged conflict of interest, or any other alleged, or suspected violation of these standards.

SUBCHAPTER 7. CERTIFICATION OF ALCOHOL AND DRUG ASSESORS RELATED TO DRIVER'S LICENSE REVOCATION

450:21-7-3. Assessor applicants

- (a) An applicant for certification as an assessor shall submit proof of the following:
- (1) Proof of current licensure as an LBHP or certification as an alcohol and drug counselor acting within scope of licensure/certification or proof of current status as a Licensure Candidate under the onsite supervision of a certified ADSAC assessor; and
 - (2) Proof of having at least two (2) years documented full-time clinical experience in drug/alcohol treatment counseling; and
 - (3) Proof of successful completion of a one (1) day ASAM training within two (2) years of the submission of the application; and

- (4) A recognizable, current, color photographic image of the applicant no smaller than two (2) inch by two (2) inch;
 - (5) A current OSBI background check or a similar background check from another state of residence for the past five (5) years; and
 - (6) A copy of the applicant's resume documenting all education and employment for the previous ten (10) years to include names, addresses and phone numbers for all employers; and
 - (7) Fees.
- (b) Applications for certification as an assessor shall be made in writing to ODMHSAS on a form in a manner prescribed by the Commissioner or designee.
- (c) Completed applications must be received by ODMHSAS twenty (20) days prior to the training event. Before being certified, the applicant shall:
- (1) Observe one (1) assessment with written permission of the participant prior to completing new assessor training;
 - (2) Complete the ODMHSAS new assessor training; and
 - (3) Complete and pass the ODMHSAS assessment skills competency examination. A minimum score to pass the exam shall be eighty (80) percent:
 - (A) The exam shall require the applicant to correctly identify the major aspects of the Driver Risk Inventory-revised (DRI-II), and the Defendant Questionnaire (DQ);
 - (B) The exam shall require the applicant to correctly identify the major components of motivational interviewing; and
 - (C) The exam shall require the applicant to correctly identify rules from this chapter.
 - (4) Conduct two (2) assessments, after completing the new assessor training under the supervision of a certified ADSAC assessor, with written permission of the participant; and
 - (A) Submit a copy of one written court report completed by the applicant on each assessment;
 - (B) The observing assessor shall submit an evaluation of the applicant's skill level on a form and in a manner prescribed by the ODMHSAS Commissioner or designee.
- (d) ODMHSAS may require explanation of negative references prior to issuance of certification.
- (e) Faxes will not be accepted as part of a permanent record.
- (f) Applications are good for one (1) year from approval. All requirements must be completed within the initial twelve (12) month period or a new application must be submitted.
- (g) Any prior sanctions by ODMHSAS of an individual may be cause for denial of an assessor application.
- (h) An assessor applying for renewal shall submit the following for ODMHSAS review:
- (1) Completed ODMHSAS renewal application form;
 - ~~(2) Documentation of receiving ten (10) continuing education hours in each twelve (12) month period beginning with the date of original certification. Acceptable continuing education hours shall include the following subject areas~~

~~with four (4) hours coming from area (A), four (4) hours coming from area (B) and two (2) hours coming from area (C):~~

~~(A) The application and use of the following:—~~

~~(i) ASAM;—~~

~~(ii) DRI;—~~

~~(iii) DQ;—~~

~~(iv) NEEDS; and—~~

~~(v) TAAD;—~~

~~(B) Evidence based interview techniques;—~~

~~(C) General substance abuse; and—~~

~~(D) If a mandatory training is required by ODMHSAS the hours may come from area (c) above; and—~~

~~(E) Training hours shall not include ADSAC course facilitation.—~~

~~(3)(2)~~ A current, recognizable, color, photographic image, in good condition, in digital format or no smaller than two (2) inch by two (2) inches if printed, of the applicant every three (3) years with the certification renewal application;

~~(4)(3)~~ A new OSBI background check every three (3) years with the certification renewal application;

~~(5)(4)~~ The fifty dollar (\$50) application renewal fee for certification; and

~~(6)(5)~~ Any unpaid fees required by 450:21-7-5(c)(7)(A). Renewal applications with outstanding unpaid fees will not be processed until a resolution is reached regarding payment of outstanding fees.

~~(i) In addition to submitting an application and fulfilling the renewal standards for certification per 450:21-7-3(h) and 450:21-7-5(c)(14), a review of consumer and agency documentation shall be performed. A score of at least 75% on clinical standards must be achieved in order to move forward with certification. The process will follow that of agency certifications found in 450:1-9-7.2. All deficiencies must be resolved in order for certification to be renewed.—~~

(i) In addition to submitting an application and fulfilling the renewal standards for certification per 450:21-7-3(h) and 450:21-7-5(c)(14), the assessor shall submit the following to ODMHSAS annually throughout the certification period, in a form and manner prescribed by ODMHSAS, in order for the assessor certification to remain active:

(1) Documentation of completing ten (10) continuing education hours in each twelve (12) month period beginning with the date of original certification. Training hours shall not include ADSAC course facilitation training. Acceptable continuing education hours shall include the following subject areas, with four (4) hours coming from area (A), four (4) hours coming from area (B), and two (2) hours coming from area (C):

(A) The application and use of the following:

(i) ASAM;

(ii) DRI;

(iii) DQ;

(iv) NEEDS; and

(v) TAAD;

- (B) Evidence-based interview techniques; and
 - (C) Substance use disorder prevention or treatment, suicide prevention, and/or crisis intervention.
- (2) Documentation of current, valid professional licensure/certification or licensure candidate status from the appropriate licensing entity.
- ~~(j)~~ Certification shall be valid for thirty six (36) months.
- ~~(k)~~ (i) Failure to timely renew the certification shall result in expiration of certification and forfeiture of the rights and privileges granted by the certification.
 - (1) A person whose certification has expired for less than twelve (12) months must make application for an initial certification as set forth in 450:21-7-3 with the exception of attending the initial ADSAC assessor training or having to pass the training exam.
 - (2) A person whose certification has expired for twelve (12) months or more must make application for an initial certification as set forth in 450:21-7-3.
- ~~(l)~~ (k) Each assessor shall notify ODMHSAS of any change of application information related to his or her licensure status, email address, phone number, work or home address at least fifteen (15) days in advance of the change. In case of an emergency, the assessor may notify ODMHSAS of any change up to thirty (30) days after a change has occurred.
- ~~(m)~~ (l) All renewals of certification are due on the third anniversary of certification.

450:21-7-4. Certification duration

~~ODMHSAS shall certify assessors for three (3) years.~~ Certification shall be valid for three (3) years for qualifying applicants.

450:21-7-8. Participant evaluation

(a) The assessment and evaluation of the participant shall be as comprehensive as possible. ADSAC assessors shall not conduct any portion of the assessment process or provide any evaluation services on more than one participant at a time. The assessment shall include, but not be limited to:

- (1) A face-to-face biopsychosocial assessment that gathers sufficient information to assist the consumer in developing an individualized service plan. The biopsychosocial assessment includes historical and current information regarding the behavior and experiences of the consumer and is conducted in a standardized manner.
- (2) The assessor shall obtain and document the ~~participants~~ participant's driving history information from public record(s), when made available. This information shall, at a minimum, include the following:
 - (A) Arrest date;
 - (B) All charges relating to alcohol and drug offenses; and
 - (C) Driving record.
- (3) Alcohol and other drug information as supplied by the participant or referring party:
 - (A) Blood alcohol concentration at time of arrest;
 - (B) Prior alcohol/drug treatment;
 - (C) Polydrug use;

- (D) Prior alcohol-related arrest(s); and
- (E) Prior drug related arrest(s).
- (4) Pursuant to 450:21-7-9, the use of completed and scored standardized evaluation instruments; and
- (5) All information shall be in a format prescribed by the Commissioner of ODMHSAS or designee.
- (b) Recommendations, known as Intervention Categories, shall be based on scores derived from and verified by, a battery of required and appropriate assessment/evaluation instruments, and adhered to by all assessors unless otherwise indicated by ODMHSAS:
 - (1) All those identified as being at low risk to recidivate as indicated by scores derived from the assessment process shall be referred to educational interventions only:
 - (A) Intervention Category One shall be identified by alcohol or drug scale scores from the DRI—H or DQ of zero (0) to thirty-nine (39) and recommendations shall consist of:
 - (i) Ten (10) hour ADSAC course; and
 - (ii) Victims Impact Panel.
 - (iii) The ten (10) hour ADSAC course and Victims Impact Panel may be attended concurrently.
 - (B) Intervention Category Two shall be identified by alcohol or drug scale scores from the DRI—H or DQ of zero (0) to thirty-nine (39) and a previous alcohol or drug related offense resulting in license revocation pursuant to Title 47, § 6-212.2, A and recommendations shall consist of:
 - (i) Twenty-four (24) hour ADSAC course; and
 - (ii) Victims Impact Panel.
 - (iii) The twenty-four (24) hour ADSAC course and the Victims Impact Panel may be attended concurrently.
 - (2) All those identified as being at moderate risk to recidivate shall be referred to a combination of educational and clinical interventions:
 - (A) Intervention Category Three, shall be identified by alcohol or drug scale scores from the DRI—H or DQ of forty (40) to ~~sixty-nine~~sixty-nine (69) and recommendations shall consist of:
 - (i) Twenty-four (24) hour ADSAC course;
 - (ii) Victims Impact Panel; and
 - (iii) Substance abuse related group involvement for six (6) weeks, meeting one (1) time per week.
 - (iv) The twenty-four (24) hour ADSAC should be attended prior to the initiation of the six (6) week substance abuse group.
 - ~~(B) Those with scoring appropriate for an Intervention Category Four or Five and placed at this level due to clinical override shall be required to attend:~~
 - ~~(i) Twelve (12) weeks of substance abuse related group meeting a minimum of one (1) time per week and a maximum of two (2) times per week; and~~

~~(ii) Twelve (12) weeks of mutual support group attendance, once per week.~~

~~(iii) It must be possible to complete the combination of interventions within ninety (90) days.~~

(3) All those identified as being at problem risk to recidivate shall be referred to clinical interventions only: Intervention Category Four shall be identified by alcohol or drug scale scores from the DRI-H or DQ of seventy (70) to ~~eighty nine~~nine~~eight-nine~~ (89) and recommendations shall consist of:

(A) Intensive outpatient treatment;

(B) Aftercare; and

(C) Twelve (12) weeks of mutual support meetings.

(D) Interventions recommended for this intervention category, with the exception of aftercare, should be completed concurrently.

(E) The combination of interventions recommended must be able to be completed within ninety (90) days.

(4) All those identified as being at severe risk to recidivate shall be referred to clinical interventions only: Intervention Category Five will be identified by alcohol or drug scale scores from the DRI-H/DQ of ninety (90) to one hundred (100) and recommendations shall consist of:

(A) Residential or inpatient treatment;

(B) Aftercare; and

(C) Mutual support meetings.

(D) Interventions recommended for this intervention category, with the exception of aftercare, should be completed concurrently.

(E) The combination of interventions recommended must be able to be completed within ninety (90) days.

(5) If no groups are available or if the participant has a significant, appropriately diagnosed co-occurring disorder, then individual counseling can be substituted for group counseling. This must be addressed with an override and cleared through ODMHSAS.

(6) Interventions completed prior to the assessment may be accepted if:

(A) The intervention is completed after the offense resulting in license revocation;

(B) The intervention meets or exceeds all the requirements listed in the recommendation; and

(C) The provider of the intervention is appropriately accredited.

(7) Assessments will remain valid for six (6) months from the date of completion:

(A) If after six (6) months, action toward completing assessment recommendations has not been initiated, then the assessment shall be considered invalid and a new assessment will be required.

(B) The participant must be notified of this fact in writing upon assessment.

(8) A recommendation can be lowered one intervention category through the appropriate use of one of the available overrides. However, an intervention level for clinical services only or combination of educational and clinical services cannot be lowered to an intervention level for educational services

only. ODMHSAS approval must be granted for overrides of more than one intervention category.

(9) Any significant discrepancy between the scores obtained on either the DRI # or the DQ and an appropriately chosen additional supportive instrument should be cause for reevaluation of participant's answers to the assessment instruments. If the discrepancy cannot be resolved, then an override should be considered.

(10) Any recommendation can be lowered with the appropriate use of one of the following overrides;

- (A) "Geographic accessibility";
- (B) "On waiting list for appropriate level of care";
- (C) "Language barriers"; or
- ~~(D) "Sustained abstinence"; or~~
- ~~(E)~~(D) "ASAM override".

(11) In each instance, the most appropriate and applicable override category shall be used.

(12) All overrides must be supported in writing and with information or evidence that clearly justifies the decision made. Verifying and/or validating documentation must be included in the record.

(13) "Geographic accessibility" should be used when one or more of the services required for a specific intervention category does not exist within seventy (70) miles from the town the participant identifies as the home town, as no one shall be required to travel more than seventy (70) miles to complete any of the recommendations listed here:

(A) The recommendation should be reduced to the first intervention category with all services available, and

(B) Before using this override, the participant's address shall be verified;

(14) "On waiting list for appropriate level of care" should be used when one or more of the services required for a specific intervention category is not available within seventy (70) miles from the town the participant identifies as a home town as no one shall be required to travel more than seventy (70) miles to complete any of the recommendations listed here:

(A) The service recommended must also not be available within thirty (30) days of the initial date of assessment,

(B) The recommendation should be reduced to the first intervention category with all services available, and

(C) Before using this override, the participant's address shall be verified.

(15) "Language barriers" should be used when one or more of the services required for a specific intervention category is not offered in the language of a non-English speaking participant within seventy (70) miles from the town the participant identifies as the home town:

(A) The recommendation should be altered to include the most appropriate combination of interventions available in the participant's language,

(B) Due to problems with service availability caused by language barriers, this is the only override in which interventions from multiple categories can be commingled, and

- (C) Before using this override, the participant's address shall be verified.
- ~~(16) "Sustained abstinence" should be used when an override may be appropriate when recognizing that a significant period of verifiable abstinence or recovery exists between the time of the offense and the assessment:~~
- ~~(A) The abstinence/recovery must be at least six (6) months' duration,~~
 - ~~(B) The abstinence/recovery must be continuous,~~
 - ~~(C) The abstinence/recovery must be verifiable,~~
 - ~~(D) Three notarized statements from individuals who know, but are not related to, the participant, and~~
 - ~~(E) The notarized statement verifying abstinence/recovery will be in a form prescribed by the commissioner of ODMHSAS or designee.~~
- ~~(17) "ASAM override" should be used when the participant has been assessed by a receiving provider as not meeting the ASAM level of care recommended by the ADSAC assessment. This override must be substantiated by including the receiving provider's ASAM in the participant's ADSAC file.~~

(16) "ASAM override" should be used when:

- (A) The participant has been assessed by a receiving provider as not meeting the ASAM level of care recommended by the ADSAC assessment. This override must be substantiated by including the receiving provider's ASAM in the participant's ADSAC file; or
- (B) The DRI or DQ recommend either Intervention Category Four or Five level of service, but the TAAD or NEEDS and biopsychsocial assessment show clinical evidence of continuous abstinence of at least six (6) months. In these circumstances, the participant shall be required to attend:
 - (i) Twelve (12) weeks of substance abuse related group meeting a minimum of one (1) time per week and a maximum of two (2) times per week; and
 - (ii) Twelve (12) weeks of mutual support group attendance, once per week.
 - (iii) It must be possible to complete the combination of interventions within ninety (90) days.

(c) The assessor shall have policies and procedures in place to ensure participate evaluation is conducted in accordance with the requirements in 450:21-7-8.

(d) The Department may review participant records and documentation to verify compliance with the requirements in 450:21-7-8 at its discretion.

450:21-7-9. Standardized evaluation instruments

(a) Standardized evaluation instruments shall be administered in the manner intended and findings shall be a component of the overall assessment and recommendations.

(b) The approved standardized evaluation instruments shall be limited to:

- (1) For all offenses related to driving under the influence or while impaired that result in license revocation, a completed and scored, current computerized

version of the Driver Risk Inventory (DRI) in a face-to-face structured interview. For all offenses not related to driving under the influence or while in impaired that result in license revocation, a completed and scored, current computerized version of the Defendant Questionnaire (DQ) shall be used and;

(2) A completed biopsychsocial;

(3) A completed and scored additional, supportive clinical instrument to support initial findings shall be chosen by the assessor from the menu of approved supportive instruments listed below:

(A) Needs Assessment (NEEDS); or

(B) Triage Assessment for Addictive Disorders (TAAD); and

(4) A thorough face-to-face interview.

(5) All additional, supportive clinical assessment instruments shall be used only in a manner consistent with the instrument design, intended purpose and to support the identified level of severity of the participant;

(6) All assessment instruments approved for use in the ADSAC process shall be used according to directions from the manual of each instrument; and

(7) Assessment instruments appropriate for use with those with a primary language other than English shall be identified as the instruments are approved for use by ODMHSAS.

(c) The assessor shall have policies and procedures in place to ensure participant evaluation is conducted in accordance with the requirements in 450:21-7-9.

(d) The Department may review participant records and documentation to verify compliance with the requirements in 450:21-7-9 at its discretion.